

EXHIBIT 1

CONTAINS CONFIDENTIAL AND ATTORNEYS' EYES ONLY PORTIONS

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1
2 UNITED STATES DISTRICT COURT
3 SOUTHERN DISTRICT OF NEW YORK

4 AUSTIN FENNER and IKIMULISA)
LIVINGSTON,)
5 Plaintiffs,)
6 vs.) 09CIV9832
(BSJ(RLE)
7 NEWS CORPORATION, NYP HOLDINGS,)
INC., d/b/a THE NEW YORK POST,)
8 and DAN GREENFIELD and MICHELLE)
GOTTHELF,)
9 Defendants.)
10 -----)

11
12
13 (CONTAINS CONFIDENTIAL and
14 ATTORNEYS' EYES ONLY PORTIONS)

15
16 VIDEOTAPED DEPOSITION OF DAN GREENFIELD
17 New York, New York
18 Thursday, April 5, 2012
19
20
21
22

23 Reported by:
24 Philip Rizzuti
25 JOB NO. 47782

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<p style="text-align: right;">Page 114</p> <p>1 Greenfield</p> <p>2 a bi-line in the New York Post?</p> <p>3 A. You know, that is more art than it</p> <p>4 is a science, because there are a lot of</p> <p>5 considerations that go into it --</p> <p>6 MR. LERNER: He asked you who?</p> <p>7 THE WITNESS: Well that is --</p> <p>8 A. I will explain. It could be the</p> <p>9 person who actually did the physical writing</p> <p>10 of the story. It could be the editor who was</p> <p>11 primarily responsible for the story.</p> <p>12 Q. If there are two reporters working</p> <p>13 on a story does it mean anything that one</p> <p>14 reporter's name is listed first in a bi-line?</p> <p>15 A. Not really, no. Not today, no.</p> <p>16 Q. Who determines which reporter's</p> <p>17 name is listed first if there are multiple</p> <p>18 reporters on a story?</p> <p>19 A. The person who actually did the</p> <p>20 physical writing of the story will send the</p> <p>21 story over to the desk with the names on it in</p> <p>22 whatever order they send it over in, that is</p> <p>23 the first line. The editor may change that if</p> <p>24 new information comes for example, or maybe</p> <p>25 the editor is aware of a certain amount of</p>	<p style="text-align: right;">Page 115</p> <p>1 Greenfield</p> <p>2 information that was added by somebody else.</p> <p>3 Sometimes people don't want a bi-line.</p> <p>4 Q. You mentioned earlier the term</p> <p>5 enterprise story. What is an enterprise</p> <p>6 story?</p> <p>7 A. Enterprise is a story that breaks</p> <p>8 news, it informs the reader of something that</p> <p>9 perhaps they did not know before. Gives</p> <p>10 context to major stories. Investigates</p> <p>11 topics. It can be a trend piece. A piece</p> <p>12 based on statistics. Stories that reporters</p> <p>13 use their sources to develop to give a -- to</p> <p>14 give a lot of impact on a story. Its in broad</p> <p>15 terms.</p> <p>16 Q. Can you describe an enterprise</p> <p>17 story that was published in the New York Post</p> <p>18 when Austin Fenner worked as a reporter for</p> <p>19 the paper?</p> <p>20 A. Mr. Thompson, that was years ago,</p> <p>21 off the top of my head, I can't off the top of</p> <p>22 my head.</p> <p>23 Q. Well he worked at the paper</p> <p>24 between 2007 and 2009; correct?</p> <p>25 A. Correct.</p>
<p style="text-align: right;">Page 116</p> <p>1 Greenfield</p> <p>2 Q. How important are enterprise</p> <p>3 stories?</p> <p>4 A. They are important.</p> <p>5 Q. So tell us about any enterprise</p> <p>6 story that appeared in the New York Post</p> <p>7 between 2007 and 2009 during Mr. Fenner's</p> <p>8 employment?</p> <p>9 MR. LERNER: Objection.</p> <p>10 A. I would need to go back through</p> <p>11 the stacks to see what ran when. Off the top</p> <p>12 of my head I can't give you examples.</p> <p>13 Q. Are there different types of</p> <p>14 reporters at the New York Post?</p> <p>15 A. Reporters; no. No, there are</p> <p>16 reporters who have different duties, different</p> <p>17 responsibilities, but they are all reporters.</p> <p>18 Q. Have you heard the term street</p> <p>19 reporter?</p> <p>20 A. I have.</p> <p>21 Q. What is a street reporter?</p> <p>22 A. A street reporter or a field</p> <p>23 reporter is a reporter who works primarily but</p> <p>24 not exclusively in the field.</p> <p>25 Q. Have you heard the term runner?</p>	<p style="text-align: right;">Page 117</p> <p>1 Greenfield</p> <p>2 A. Yes.</p> <p>3 Q. Does a runner differ from a street</p> <p>4 reporter?</p> <p>5 A. These are terms of art, they are</p> <p>6 not titles, they are interchangeable terms.</p> <p>7 Q. So a street reporter is the same</p> <p>8 as a runner at the New York Post?</p> <p>9 A. Same as a field reporter generally</p> <p>10 speaking.</p> <p>11 Q. And what is a general assignment</p> <p>12 reporter?</p> <p>13 A. Any reporter who does not have a</p> <p>14 specific beat.</p> <p>15 Q. But is a general assignment</p> <p>16 reporter the same as a street reporter?</p> <p>17 A. Yes, if that -- yes, because you</p> <p>18 work -- the term general assignment means you</p> <p>19 are working on general assignments, not -- you</p> <p>20 don't have a specific beat like education. So</p> <p>21 yes, if you are a field reporter, yes, that is</p> <p>22 also a general assignment reporter.</p> <p>23 Q. Isn't it fair to say that field</p> <p>24 reporters work out in the field mostly?</p> <p>25 A. Yes.</p>

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<p>1 Greenfield</p> <p>2 Q. And general assignment reporters</p> <p>3 work in the field as well as in the news room;</p> <p>4 correct?</p> <p>5 A. No. General assignment reporters</p> <p>6 are reporters who do not have a beat. So some</p> <p>7 general assignment reporters are primarily</p> <p>8 based in the news room, some general</p> <p>9 assignment reporters are basically based in</p> <p>10 the field, but they are all general assignment</p> <p>11 reporters.</p> <p>12 Q. So what is the difference between</p> <p>13 a general assignment reporter and a runner?</p> <p>14 MR. LERNER: Objection.</p> <p>15 A. It is an issue of exclusivity.</p> <p>16 Not all general assignment reporters are</p> <p>17 runners, but all runners are general</p> <p>18 assignment reporters.</p> <p>19 Q. Okay. So tell us the difference</p> <p>20 between a runner and a general assignment</p> <p>21 reporter, what distinguishes the two?</p> <p>22 A. There is no distinction, a runner,</p> <p>23 field reporter, whatever, and a rewrite, they</p> <p>24 are both general assignment reporters. The</p> <p>25 term general assignment is descriptive.</p>	<p>1 Greenfield</p> <p>2 Q. Is a field reporter or runner</p> <p>3 expected to be in the news room carrying out</p> <p>4 the duties?</p> <p>5 MR. LERNER: Objection.</p> <p>6 A. I am sorry, the question again</p> <p>7 please.</p> <p>8 Q. Is a runner expected to be in the</p> <p>9 news room in performing their duties for the</p> <p>10 paper?</p> <p>11 MR. LERNER: Objection. Go ahead.</p> <p>12 A. Not routinely, but it is not</p> <p>13 exclusive.</p> <p>14 Q. Is a general assignment reporter</p> <p>15 expected to perform their duties in the news</p> <p>16 rooms on occasion?</p> <p>17 A. As I explained a general</p> <p>18 assignment reporter could be either in the</p> <p>19 news room or primarily based in the field.</p> <p>20 Q. What role is Ikimulisa Livingston</p> <p>21 currently serving as a reporter for the New</p> <p>22 York Post?</p> <p>23 A. She is a general assignment</p> <p>24 reporter.</p> <p>25 Q. Is she a runner?</p>
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<p>1 Greenfield</p> <p>2 A. As a term of art she does run on</p> <p>3 stories, you can call her a field reporter,</p> <p>4 you know, I mean -- that is a term of art, but</p> <p>5 she is general assignment reporter.</p> <p>6 Q. Is she a general assignment</p> <p>7 reporter that works in the news room most</p> <p>8 times or in the field?</p> <p>9 MR. LERNER: Objection.</p> <p>10 A. Primarily in the field.</p> <p>11 Q. And are there any current white</p> <p>12 reporters at the New York Post who also work</p> <p>13 in the field primarily like Ms. Livingston?</p> <p>14 A. I don't think of people in the</p> <p>15 terms of the color of their skin and their</p> <p>16 assignments, but there are reporters who</p> <p>17 happen to be Caucasian or white who work in</p> <p>18 the field as they are other ethnicities.</p> <p>19 Q. I want you to identify the other</p> <p>20 Caucasian white reporters who work -- strike</p> <p>21 that.</p> <p>22 I want you to identify the other</p> <p>23 Caucasian reporters who work in the field like</p> <p>24 Ms. Livingston?</p> <p>25 A. Reporters who happen to be</p>	<p>1 Greenfield</p> <p>2 Caucasian?</p> <p>3 Q. Yes.</p> <p>4 MR. LERNER: Objection to the</p> <p>5 question. Go ahead if you can answer.</p> <p>6 A. I can give you a list of all of</p> <p>7 the reporters who work in the fashion, that</p> <p>8 might actually be the easiest thing to do.</p> <p>9 Kevin Fasick. Georgette Roberts is</p> <p>10 African-American. Reuven Fenton.</p> <p>11 Q. Ruben Fenton?</p> <p>12 A. Reuven Fenton. Rebecca Rosenberg.</p> <p>13 Amber Sutherland. Frank Rosario, although I</p> <p>14 am not sure of his ethnicity. Those are some</p> <p>15 of the full-timers I am trying to remember.</p> <p>16 Q. I am only asking you about -- I</p> <p>17 want to focus your attention only on the</p> <p>18 full-time Caucasian reporters who work in the</p> <p>19 field like Ms. Livingston?</p> <p>20 A. I am trying to think if there is</p> <p>21 anybody else. Celim Algar is similar, not</p> <p>22 precisely the same, but very similar. Same</p> <p>23 with Kieran Crowley. There may be others,</p> <p>24 those are names that I can think of off the</p> <p>25 top of my head.</p>

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<p>1 Greenfield - confidential - attorneys eyes' only</p> <p>2 A. Any employee?</p> <p>3 Q. Any reporter?</p> <p>4 A. I don't know.</p> <p>5 Q. Do you know if editors receive</p> <p>6 bonuses?</p> <p>7 MR. LERNER: When?</p> <p>8 A. When?</p> <p>9 Q. Oh, I ask the question, your</p> <p>10 lawyer asked when, and then you repeat what</p> <p>11 your lawyer says?</p> <p>12 MR. LERNER: Objection.</p> <p>13 Q. You did not understand the</p> <p>14 question before your lawyer told you or said</p> <p>15 when and you repeated it?</p> <p>16 MR. LERNER: Hold on, you don't</p> <p>17 need to answer that. Objection to the</p> <p>18 question.</p> <p>19 A. What was the question?</p> <p>20 Q. I will ask it differently.</p> <p>21 During your tenure as a deputy</p> <p>22 metro desk editor do you know if any editor</p> <p>23 assigned to that desk ever received a bonus?</p> <p>24 A. I don't know.</p> <p>25 (Continued in nonconfidential,</p>	<p>1 Greenfield - confidential - attorneys eyes' only</p> <p>2 attorneys' eyes portion of</p> <p>3 transcript.)</p> <p>4</p> <p>5</p> <p>6</p> <p>7</p> <p>8</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>
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<p>1 Greenfield</p> <p>2 Q. Do you know when Ms. Livingston</p> <p>3 was hired at The Post what specific role she</p> <p>4 was hired in?</p> <p>5 A. I don't.</p> <p>6 Q. Well do you know if her duties</p> <p>7 have changed during her employment at the New</p> <p>8 York Post?</p> <p>9 A. Well in -- specific -- yes, some</p> <p>10 of her duties have changed, not all of them.</p> <p>11 Q. How have her duties changed?</p> <p>12 A. She used to cover a court, she is</p> <p>13 now a field reporter.</p> <p>14 Q. Do you know what position she had</p> <p>15 at The Post before she was assigned to that</p> <p>16 court position?</p> <p>17 A. I don't.</p> <p>18 Q. What is a rewrite reporter?</p> <p>19 A. It is actually not a rewrite</p> <p>20 reporter, it is not called a rewrite reporter,</p> <p>21 it is whether someone is working rewrite.</p> <p>22 Q. What does that mean?</p> <p>23 A. It is a, again a term of art</p> <p>24 because it can depend on a given story. But</p> <p>25 people who do rewrite on a daily basis in</p>	<p>1 Greenfield</p> <p>2 broad strokes because there are always going</p> <p>3 to be exceptions, what the people who do</p> <p>4 rewrite do is that they are assigned specific</p> <p>5 stories to work on. It may be one story, it</p> <p>6 may be four stories. And what they do, it can</p> <p>7 be any number of things. They -- when you are</p> <p>8 doing a rewrite you are actually doing the</p> <p>9 physical crafting of the story that goes in</p> <p>10 the newspaper. You are doing the actual</p> <p>11 writing of that story.</p> <p>12 It can be as broad as doing --</p> <p>13 doing your own reporting. Being part of an</p> <p>14 investigative story. Doing a document</p> <p>15 searches. Doing research. All of those</p> <p>16 elements. Of working your sources.</p> <p>17 Developing story ideas and I mean it is -- it</p> <p>18 can be all of those things, but on a --</p> <p>19 writing the story. Working with reporters in</p> <p>20 the field.</p> <p>21 As I mentioned earlier when the</p> <p>22 stories are parceled out after the meeting</p> <p>23 among metro editors, the rewrite, people are</p> <p>24 assigned as rewrite on specific stories. And</p> <p>25 it could be as simple as taking a wire story</p>

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<p style="text-align: right;">Page 134</p> <p>1 Greenfield</p> <p>2 and rewriting it, recrafting it. Maybe the</p> <p>3 Associated Press can be pretty dry, so you</p> <p>4 want to maybe make it a little bit more</p> <p>5 numerous.</p> <p>6 It may be as simple as taking</p> <p>7 dictation in the field from a field reporter</p> <p>8 and who was at the scene and you type it up</p> <p>9 and then you send it through. It may be as</p> <p>10 broad as I described earlier where you are</p> <p>11 doing -- I mean you are really, really deeply</p> <p>12 involved in the reporting and you are also</p> <p>13 writing the story and you are directing the</p> <p>14 field reporters. Collaborating with your</p> <p>15 editors. Talking with the photo department.</p> <p>16 I mean it is...</p> <p>17 Q. How does rewriting differ from</p> <p>18 editing at The Post?</p> <p>19 A. Editing is a management position,</p> <p>20 okay. Rewrite is sort of your front line</p> <p>21 editors are the next line. Rewrite take</p> <p>22 direction from editors. This is how I want</p> <p>23 you to approach the story. There is a lot of</p> <p>24 collaboration. Should we do this or do that.</p> <p>25 Should we move one person from point A to</p>	<p style="text-align: right;">Page 135</p> <p>1 Greenfield</p> <p>2 point B. Sometimes a rewrite can make that</p> <p>3 determination on their own and just change</p> <p>4 horses as it wore in broad strokes. Change</p> <p>5 direction. Change locations.</p> <p>6 And then we -- then there is a lot</p> <p>7 of -- there is interplay between the two. But</p> <p>8 the editor is responsible for directing the</p> <p>9 rewrite on that story and by extension the</p> <p>10 reporters in the field.</p> <p>11 Q. And what duties does a columnist</p> <p>12 at The Post perform as opposed to someone who</p> <p>13 works for the newspaper as a field reporter or</p> <p>14 a rewrite reporter?</p> <p>15 A. I don't deal with the columnists</p> <p>16 really, but they provide commentary on a</p> <p>17 topic.</p> <p>18 Q. Do you know any of the current</p> <p>19 columnists for the New York Post?</p> <p>20 A. Do I know who they are or do I</p> <p>21 know --</p> <p>22 Q. Yes. Can you identify them?</p> <p>23 A. All of them?</p> <p>24 Q. As many as you can recall?</p> <p>25 A. Well there are -- there are</p>
<p style="text-align: right;">Page 136</p> <p>1 Greenfield</p> <p>2 columnist in every department. There are</p> <p>3 columnists, editorial columnists, business</p> <p>4 columnists, sports columnist. I am not</p> <p>5 sure -- I am not sure what you are asking.</p> <p>6 Q. Are there any black columnists at</p> <p>7 the New York Post currently?</p> <p>8 MR. LERNER: Objection.</p> <p>9 A. I never thought about it in those</p> <p>10 terms and I couldn't give you a comprehensive</p> <p>11 list of everyone who has a column or writes</p> <p>12 columns for the New York Post.</p> <p>13 Q. I am not asking you to give me a</p> <p>14 comprehensive list. I am asking you whether</p> <p>15 there are any African-American columnists</p> <p>16 working currently at the New York Post?</p> <p>17 A. In all departments?</p> <p>18 Q. In any department?</p> <p>19 A. You know again I am kind of going</p> <p>20 through my mind, but -- I seem to think that</p> <p>21 there are -- sometimes if I may, sometimes</p> <p>22 people write columns, but they are not</p> <p>23 necessarily full-time columnist.</p> <p>24 Q. I am only asking about full-time</p> <p>25 columnists working at the New York Post. Can</p>	<p style="text-align: right;">Page 137</p> <p>1 Greenfield</p> <p>2 you identify any African-American full-time</p> <p>3 columnist who currently works at the New York</p> <p>4 Post?</p> <p>5 MR. LERNER: Objection.</p> <p>6 A. I can only really speak to the</p> <p>7 columnists who write in the front section,</p> <p>8 because I don't know the job titles or all of</p> <p>9 the job -- all of the titles and the</p> <p>10 responsibilities of everybody in other</p> <p>11 departments. For example I know Robert George</p> <p>12 writes editorials.</p> <p>13 Q. Is he African-American?</p> <p>14 A. He is.</p> <p>15 Q. Is he a columnist at The Post?</p> <p>16 A. Pardon me?</p> <p>17 Q. Is he a columnist at The Post?</p> <p>18 A. This goes to what my question. I</p> <p>19 don't know what his exact title or his exact</p> <p>20 role would be. I don't know if he is an</p> <p>21 editor. I know that he has written columns.</p> <p>22 Q. Okay.</p> <p>23 A. And the same with George Willis in</p> <p>24 sports I believe. But the same thing, I</p> <p>25 really don't know if he is considered a</p>

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<p>1 Greenfield</p> <p>2 it as review because I wasn't the editor on</p> <p>3 that story. I saw the copy, but I didn't</p> <p>4 review it. It was being reviewed by a</p> <p>5 different editor, but like I said I did see</p> <p>6 it. But I believe that was when she -- I</p> <p>7 don't remember whether that was when she was a</p> <p>8 Queens court reporter or whether she was a</p> <p>9 general assignment reporter at that time.</p> <p>10 Q. What is the difference,</p> <p>11 Mr. Greenfield, between seeing a reporter --</p> <p>12 strike that.</p> <p>13 What is the difference between</p> <p>14 seeing Ms. Livingston's story that day as</p> <p>15 opposed to reviewing it?</p> <p>16 A. Oh, it is an issue of how active</p> <p>17 you are. I didn't have -- editors on the desk</p> <p>18 who handle stories when they come in, they are</p> <p>19 called line editors. That is just another</p> <p>20 term of art, assistant associate -- associate</p> <p>21 metro editors are also called line editors.</p> <p>22 Its again jargon, a term of art, just another</p> <p>23 word for the same job. And those are the</p> <p>24 editors who actually review the story insofar</p> <p>25 as getting it ready for print.</p>	<p>1 Greenfield</p> <p>2 Q. So what did you do with respect to</p> <p>3 Ms. Livingston's story?</p> <p>4 A. I just saw the copy, I wasn't</p> <p>5 directly involved in -- in doing the line edit</p> <p>6 on it. I know it was Mike Hechtman that</p> <p>7 reviewing the story with her. I don't even</p> <p>8 remember necessarily why I was in the loop on</p> <p>9 that, but I saw -- there was an E-mail that I</p> <p>10 was included on I think from Kim in sending it</p> <p>11 back to Mike Hechtman, and I know that -- I</p> <p>12 remember even instructing her work with Mike</p> <p>13 to make sure that all of the, you know, the</p> <p>14 holes are filled.</p> <p>15 Q. Let me ask you this. Did you read</p> <p>16 the story that Ms. Livingston had drafted that</p> <p>17 day?</p> <p>18 A. What I saw was a -- I don't know</p> <p>19 if she actually drafted it that day or sent it</p> <p>20 in earlier, but I know that it was put up for</p> <p>21 publication on a Sunday. I don't work</p> <p>22 Sundays. And what I saw was a copy that had</p> <p>23 the editor's notes in the copy with -- it is</p> <p>24 not uncommon when a line editor is going over</p> <p>25 a story, maybe you put it in all caps or bold</p>
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<p>1 Greenfield</p> <p>2 or something that distinguishes it from the</p> <p>3 rest of the copy, basically asking a lot of</p> <p>4 questions. That is just the basics of it. So</p> <p>5 what I saw was a piece of copy that had a lot</p> <p>6 of those questions in it.</p> <p>7 Q. Who raised those questions in her</p> <p>8 copy?</p> <p>9 A. Mike Hechtman.</p> <p>10 Q. Do you recall what questions he</p> <p>11 raised?</p> <p>12 A. Not even in broad terms. I know</p> <p>13 that he raised questions.</p> <p>14 Q. Did Ms. Livingston send you a copy</p> <p>15 of that story by E-mail?</p> <p>16 A. I don't recall who sent me the --</p> <p>17 let me be clear. I don't recall who sent me</p> <p>18 the copy of that story.</p> <p>19 Q. Did you ever speak to Ms.</p> <p>20 Livingston about that story?</p> <p>21 A. Only to the extent of saying make</p> <p>22 sure you answer Mike's questions. Just a very</p> <p>23 in passing type of conversation.</p> <p>24 Q. Did you ever have any conversation</p> <p>25 with Michelle Gottself about why Ikimulisa</p>	<p>1 Greenfield</p> <p>2 Livingston was assigned to the Queens</p> <p>3 courthouse?</p> <p>4 A. Why she was assigned to the</p> <p>5 Queens; no.</p> <p>6 Q. Did you ever speak to Jesse Angelo</p> <p>7 about why Ms. Livingston was assigned to the</p> <p>8 Queens courthouse?</p> <p>9 A. No.</p> <p>10 Q. Did you ever speak to any editor</p> <p>11 at the New York Post about why Ms. Livingston</p> <p>12 was assigned to that particular beat?</p> <p>13 A. No.</p> <p>14 Q. Are there any special</p> <p>15 qualifications a reporter must have in order</p> <p>16 to serve -- in order to cover a courthouse for</p> <p>17 the New York Post?</p> <p>18 A. Special qualifications, can you be</p> <p>19 more specific?</p> <p>20 Q. Are there any qualifications</p> <p>21 needed in order for a reporter to be assigned</p> <p>22 to a courthouse for the New York Post?</p> <p>23 A. You have to be a good reporter.</p> <p>24 Q. What makes a good reporter?</p> <p>25 A. A good reporter is someone who --</p>

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<p>1 Greenfield</p> <p>2 let me think that one over. It is again a</p> <p>3 contextual answer. The person has to at least</p> <p>4 show promise that we believe that this is an</p> <p>5 appropriate place, a place where they can</p> <p>6 succeed and do well. Sometimes maybe you know</p> <p>7 someone fills in on courts on occasion. But</p> <p>8 its like any position, you are filling a</p> <p>9 position with speculation, you want -- you</p> <p>10 figure this might be a good fit.</p> <p>11 So I am sorry, what was the</p> <p>12 question?</p> <p>13 Q. What makes a good reporter?</p> <p>14 A. A good reporter --</p> <p>15 MR. LERNER: Objection.</p> <p>16 A. A good reporter is someone who in</p> <p>17 the editor's judgment provides good story</p> <p>18 ideas. Story pitches. Is able to handle</p> <p>19 their own copy. In very broad strokes.</p> <p>20 Q. When you the reporter has to</p> <p>21 handle his own copy, what do you mean by that?</p> <p>22 A. Court reporters are expected to in</p> <p>23 large measure write their own material for</p> <p>24 deadline. It is not exclusive or absolute,</p> <p>25 but it is expected.</p>	<p>1 Greenfield</p> <p>2 Q. So a court reporter is not</p> <p>3 expected to have his or her article rewritten?</p> <p>4 A. Not on a regular basis, and not on</p> <p>5 a -- not like having someone dedicated to</p> <p>6 someone. Sometimes deadlines are looming and</p> <p>7 maybe you have got one story, if you are</p> <p>8 working in a court maybe you have got five.</p> <p>9 Sometimes that happens. Maybe a couple of</p> <p>10 briefs, a couple of short stories. And you</p> <p>11 are banging away and it is deadline and</p> <p>12 deadline is looming. So sometimes if that is</p> <p>13 the case that reporter would work with a</p> <p>14 rewrite -- that is why rewrite really exists.</p> <p>15 This is all done in terms of -- not all done,</p> <p>16 but a lot of this is done because it is a</p> <p>17 matter of speed. Making deadlines and getting</p> <p>18 a paper out. Everything is very time and</p> <p>19 deadline driven.</p> <p>20 So you have -- so if you are in a</p> <p>21 court and you have got a number of things</p> <p>22 going on the idea is if it is coming up to</p> <p>23 deadline you might pass your notes off to a</p> <p>24 rewrite, or call your notes into rewrite, they</p> <p>25 will craft it and send it through. Sometimes</p>
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<p>1 Greenfield</p> <p>2 if the court portion of a larger story, then</p> <p>3 that court reporter would then ostensibly also</p> <p>4 work with rewrite because it is only one piece</p> <p>5 of the larger story, maybe an arrangement in a</p> <p>6 bigger story, that sort of thing.</p> <p>7 But on a routine basis if you are</p> <p>8 writing a story on a daily basis, a page lead,</p> <p>9 you are expected to be able to write your</p> <p>10 stories with speed and flare.</p> <p>11 Q. Do you know how Ms. Livingston</p> <p>12 performed when she was assigned to the Queens</p> <p>13 courthouse?</p> <p>14 A. Can you be more specific?</p> <p>15 Q. You are an editor at the New York</p> <p>16 Post; correct?</p> <p>17 A. Yes.</p> <p>18 Q. You judge the performance of your</p> <p>19 reporters; correct?</p> <p>20 A. Yes.</p> <p>21 Q. So I want you to tell us as an</p> <p>22 editor at the New York Post how -- strike</p> <p>23 that.</p> <p>24 Based on your experience as an</p> <p>25 editor at the New York Post do you know how</p>	<p>1 Greenfield</p> <p>2 Ms. Livingston performed when she was assigned</p> <p>3 to the Queens courthouse?</p> <p>4 MR. LERNER: Objection.</p> <p>5 A. I think its a matter of looking at</p> <p>6 different parts of her performance.</p> <p>7 Q. Well describe any parts of her</p> <p>8 performance that you are aware of?</p> <p>9 A. Well I am aware that --</p> <p>10 Q. Let me ask you differently. Let</p> <p>11 me rephrase it. Tell us did Ms. Livingston</p> <p>12 show good performance with respect to any of</p> <p>13 her duties when she covered the Queens</p> <p>14 courthouse?</p> <p>15 A. Did she show any good performance;</p> <p>16 yes.</p> <p>17 Q. Describe the good performance she</p> <p>18 demonstrated when she was in that position?</p> <p>19 A. You know, this is a couple of</p> <p>20 years ago now, I don't remember everything</p> <p>21 that she did --</p> <p>22 Q. I am not asking you whether you</p> <p>23 remember everything that she did</p> <p>24 Mr. Greenfield. My question is relatively</p> <p>25 straightforward. Describe the good</p>

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<p>1 Greenfield</p> <p>2 performance demonstrated by Ms. Livingston</p> <p>3 when she was assigned to the Queens</p> <p>4 courthouse?</p> <p>5 A. My recollection based on my</p> <p>6 observations with fellow editors is that she</p> <p>7 usually was able to provide accurate quotes on</p> <p>8 what went on in a court.</p> <p>9 Q. Did she demonstrate any good</p> <p>10 performance in connection with her duties at</p> <p>11 the Queens courthouse in any other way that</p> <p>12 you know of?</p> <p>13 A. I would have to see individual</p> <p>14 stories from that period to determine she did</p> <p>15 a really good job on this one, maybe not such</p> <p>16 a good job on that one. The area that I</p> <p>17 covered is an area that I know that she was</p> <p>18 okay in.</p> <p>19 Q. What area was that?</p> <p>20 A. The area of providing quotes.</p> <p>21 Q. Do you know anything else about</p> <p>22 her work performance when she was assigned to</p> <p>23 the Queens courthouse?</p> <p>24 A. When she was assigned; you mean at</p> <p>25 the time she was assigned or during --</p>	<p>1 Greenfield</p> <p>2 Q. When she worked there?</p> <p>3 A. I am sorry, please ask the</p> <p>4 question again.</p> <p>5 Q. Do you know anything else about</p> <p>6 Ms. Livingston's work performance when she</p> <p>7 worked in the Queens courthouse for the New</p> <p>8 York Post?</p> <p>9 A. I am aware that she did not</p> <p>10 provide a lot of quality enterprise. She did</p> <p>11 not provide a lot of quality weekend stories.</p> <p>12 She did not routinely break stories out of her</p> <p>13 court of a, you know, of a major nature. I</p> <p>14 know that there was a lot of frustration on</p> <p>15 our desk because when she was covering the</p> <p>16 Sean Bell trial for example she needed a</p> <p>17 dedicated rewrite to make her deadlines.</p> <p>18 I don't think that is necessarily</p> <p>19 an exhaustive list, but those are the things</p> <p>20 that come to mind.</p> <p>21 Q. Well did you have firsthand</p> <p>22 personal knowledge of these things?</p> <p>23 A. Some of them, yes.</p> <p>24 Q. Well tell us what did you have</p> <p>25 firsthand personal knowledge of?</p>
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<p>1 Greenfield</p> <p>2 A. As the assignment editor I am</p> <p>3 aware of story pitches that did or did not</p> <p>4 come to me. I can't remember specific ones</p> <p>5 these years later, but I do know that certain</p> <p>6 reporters who you work with are people you</p> <p>7 know who routinely break stories, pitch story</p> <p>8 ideas to you, pitch exclusives to you, pitch</p> <p>9 angles to you, and pitch -- and also as my</p> <p>10 role, in that role, they will pitch weekend</p> <p>11 stories as well. And in my dealing working</p> <p>12 with Kim I don't recall much of that from her.</p> <p>13 Q. Well when Ms. Livingston was</p> <p>14 working at the Queens courthouse were you her</p> <p>15 direct supervisor?</p> <p>16 A. As I testified earlier I was</p> <p>17 involved in -- I was working with her and as</p> <p>18 editors, reporters work with direct -- work</p> <p>19 with different editors on different times and</p> <p>20 different stories. But I did not do her</p> <p>21 evaluation if that is what you are asking.</p> <p>22 Q. Was she one of your direct reports</p> <p>23 when she worked in the Queens courthouse?</p> <p>24 MR. LERNER: Objection.</p> <p>25 A. Only insofar as how I have</p>	<p>1 Greenfield</p> <p>2 outlined that all reporters, you know, almost</p> <p>3 all reporters, I can't say all of them because</p> <p>4 that would be absolute. When you are dealing</p> <p>5 with the editor on the desk they are</p> <p>6 supervising you at that moment.</p> <p>7 Q. I understand. But isn't it true</p> <p>8 that Ms. Livingston had a direct supervisor</p> <p>9 when she worked in the Queens courthouse?</p> <p>10 A. Someone who she dealt with when</p> <p>11 the stories came in and did her evaluations,</p> <p>12 yes.</p> <p>13 Q. That was Zach Haberman at one</p> <p>14 point; is that correct?</p> <p>15 A. Yes. For part of the time.</p> <p>16 Q. And who else was Ms. Livingston's</p> <p>17 direct supervisor when she worked at the</p> <p>18 Queens courthouse other than Zach Haberman?</p> <p>19 A. I can't speak to prior to my,</p> <p>20 prior to my hiring. I am trying to think back</p> <p>21 to when I was hired and it may have been -- it</p> <p>22 may have been Michelle Gottself at that time,</p> <p>23 but it might have been Neil Sloane. I don't</p> <p>24 really remember, it was early days.</p> <p>25 Q. So the only direct supervisor you</p>

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<p>1 Greenfield</p> <p>2 A. He might be talking about the</p> <p>3 story in general, maybe five different people,</p> <p>4 I don't know.</p> <p>5 Q. That is fine.</p> <p>6 I am now showing you what is</p> <p>7 marked as Deposition Exhibit 5. Please take a</p> <p>8 moment and look at it and tell us after you</p> <p>9 have had a chance to review it.</p> <p>10 Have you had a chance to review</p> <p>11 it?</p> <p>12 A. Yes.</p> <p>13 Q. For the record Bates stamp IL 188.</p> <p>14 Mr. Greenfield, this document reflects an</p> <p>15 exchange of E-mails between Ikimulisa</p> <p>16 Livingston and Zach Haberman, correct, as well</p> <p>17 as Neil Sloane on March 14, 2008?</p> <p>18 A. That is what it says here.</p> <p>19 Q. And Neil Sloane was an editor on</p> <p>20 the metro desk at the time; is that correct?</p> <p>21 A. Correct.</p> <p>22 Q. The subject is Sun4Mon stories.</p> <p>23 What does that mean?</p> <p>24 A. Again term of art. It is</p> <p>25 basically a story that would run in the Monday</p>	<p>1 Greenfield</p> <p>2 paper.</p> <p>3 Q. But you would prepare for Sunday;</p> <p>4 right?</p> <p>5 A. Because it has to be filed on a</p> <p>6 Sunday and then it goes into Monday. So</p> <p>7 Sunday for Monday.</p> <p>8 Q. Because Sunday is typically a slow</p> <p>9 news day; correct?</p> <p>10 A. Yes.</p> <p>11 Q. What did Ms. Livingston say with</p> <p>12 respect to the Sean Bell trial, can you read</p> <p>13 that into the record?</p> <p>14 A. Her Bell cop's trial?</p> <p>15 Q. Yes.</p> <p>16 A. Bell cop's trial. The prosecution</p> <p>17 is three weeks into his case and more than</p> <p>18 halfway through its witness list. This coming</p> <p>19 week and beyond we will get into the meat of</p> <p>20 the case with the scientific and medical</p> <p>21 evidence being presented and the star</p> <p>22 witnesses, Trent Benefield and Joseph Guzman,</p> <p>23 coming up in the weeks to come.</p> <p>24 Q. And how did Mr. Haberman respond</p> <p>25 to her E-mail on that day?</p>
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<p>1 Greenfield</p> <p>2 A. Great. We might need to focus a</p> <p>3 bit more on science because it is what is</p> <p>4 happening next week.</p> <p>5 Q. Do you see he also asked do we</p> <p>6 have the second exclusive, do you see that?</p> <p>7 A. Yes, I do. Do we have the second</p> <p>8 exclusive.</p> <p>9 Q. Did you know what he was talking</p> <p>10 about when he asked Ms. Livingston whether she</p> <p>11 had the second exclusive?</p> <p>12 A. Well I don't know for sure.</p> <p>13 Q. If you don't know don't guess?</p> <p>14 A. I am not going to guess then.</p> <p>15 MR. LERNER: I am going to put on</p> <p>16 the record that there are typos and other</p> <p>17 quirks in the typing in this that didn't</p> <p>18 come out in the reading.</p> <p>19 MR. THOMPSON: That is correct.</p> <p>20 Mr. Greenfield was very generous to the</p> <p>21 typographical errors that Zach Haberman</p> <p>22 put in this E-mail.</p> <p>23 A. Some from Ikimulisa Livingston as</p> <p>24 well.</p> <p>25 Q. Yes. Now --</p>	<p>1 Greenfield</p> <p>2 MR. THOMPSON: You guys find that</p> <p>3 funny, is that why you are laughing</p> <p>4 Ms. Lovinger during this deposition?</p> <p>5 Q. Mr. Greenfield, I want to ask you</p> <p>6 now, how would you describe Ms. Livingston's</p> <p>7 work performance during her coverage of the</p> <p>8 Sean Bell trial when she was at the Queens</p> <p>9 courthouse, if you know?</p> <p>10 A. Please ask the question again.</p> <p>11 MR. THOMPSON: Read it back.</p> <p>12 (Record read.)</p> <p>13 A. I have only seen a few documents</p> <p>14 that you have presented, big picture, my</p> <p>15 opinion hasn't changed. My -- these are very</p> <p>16 select E-mails about a very specific</p> <p>17 situations. I mean --</p> <p>18 Q. But you would agree would you not</p> <p>19 that Ikimulisa Livingston was given the</p> <p>20 responsibility to cover one of the biggest</p> <p>21 trials in the city?</p> <p>22 A. She covered the Queens courthouse.</p> <p>23 Q. I understand.</p> <p>24 MR. LERNER: Hold on, please?</p> <p>25 A. That would fall to her</p>

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<p>1 Greenfield</p> <p>2 automatically. If someone else were covering</p> <p>3 the Queens courthouse that person would be</p> <p>4 covering it.</p> <p>5 Q. Is it fair to say that Ms.</p> <p>6 Livingston covered that trial from beginning</p> <p>7 to end for the New York Post?</p> <p>8 A. I believe she was still assigned</p> <p>9 to the courthouse at that time. I would have</p> <p>10 to look at the dates, but that is my</p> <p>11 recollection.</p> <p>12 Q. Isn't it fair to say that that</p> <p>13 Sean Bell trial was a big story for the New</p> <p>14 York Post?</p> <p>15 A. Fair to say, yes.</p> <p>16 Q. In fact you guys put a lot of</p> <p>17 emphasis on that trial because you wanted to</p> <p>18 have more readers buy the New York Post and</p> <p>19 learn about that trial as opposed to buying</p> <p>20 your competitors newspapers?</p> <p>21 MR. LERNER: Objection.</p> <p>22 A. I am sorry, was there a question</p> <p>23 there.</p> <p>24 Q. Do you have trouble hearing?</p> <p>25 A. No, I don't, and that is a pretty</p>	<p>1 Greenfield</p> <p>2 hostile question.</p> <p>3 Q. You have asked me to read back</p> <p>4 questions several times today and I am right</p> <p>5 here?</p> <p>6 MR. LERNER: The question was very</p> <p>7 confusing.</p> <p>8 MR. THOMPSON: I am going to</p> <p>9 rephrase it.</p> <p>10 Q. Now isn't it fair to say</p> <p>11 Mr. Greenfield that Ikimulisa Livingston wrote</p> <p>12 many stories for the New York Post on the Sean</p> <p>13 Bell trial?</p> <p>14 A. No.</p> <p>15 Q. How many stories did she write on</p> <p>16 the Sean Bell trial when she was at that</p> <p>17 courthouse?</p> <p>18 A. Clemente Lisi was the writer on</p> <p>19 most of those stories I believe. She provided</p> <p>20 notes, in fact that is what Mr. Lisi said in</p> <p>21 the E-mail that you provided, good notes. She</p> <p>22 didn't write these stories, she had a</p> <p>23 dedicated rewrite on this trial.</p> <p>24 Q. Were you with Lisi when she</p> <p>25 allegedly wrote these articles?</p>
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<p>1 Greenfield</p> <p>2 A. When he, Clemente is a man.</p> <p>3 I was around when he was crafting</p> <p>4 some of them, yes.</p> <p>5 Q. Isn't it fair to say that Ms.</p> <p>6 Livingston played a key role in one of the</p> <p>7 biggest stories ever covered by the New York</p> <p>8 Post?</p> <p>9 MR. LERNER: Objection.</p> <p>10 A. She provided information from that</p> <p>11 trial, yes.</p> <p>12 Q. And that information was necessary</p> <p>13 in order for the New York Post to be able to</p> <p>14 write any story on the Sean Bell trial; is</p> <p>15 that correct?</p> <p>16 MR. LERNER: Objection.</p> <p>17 A. I mean she was assigned to the</p> <p>18 courthouse, of course.</p> <p>19 Q. Why was -- strike that.</p> <p>20 Did there come a time when Ms.</p> <p>21 Livingston was removed from the Queens</p> <p>22 courthouse?</p> <p>23 A. Yes, she was reassigned.</p> <p>24 Q. Did you have any role with her</p> <p>25 reassignment?</p>	<p>1 Greenfield</p> <p>2 A. Only tangentially.</p> <p>3 Q. What do you mean by tangentially?</p> <p>4 A. I didn't have any direct role. I</p> <p>5 remember I was asked my opinion.</p> <p>6 Q. Who asked for your opinion?</p> <p>7 A. Michelle Gotthelf.</p> <p>8 Q. What did you say when Ms. Gotthelf</p> <p>9 asked you for your opinion as to whether she</p> <p>10 should be reassigned?</p> <p>11 A. My response was if it is the right</p> <p>12 move for the metro desk, then it should be</p> <p>13 done.</p> <p>14 Q. Did Ms. Gotthelf express to you</p> <p>15 why she was considering removing Ms.</p> <p>16 Livingston from that position?</p> <p>17 A. I don't remember the exact term.</p> <p>18 You know, removing her from the position, she</p> <p>19 was reassigned. I don't remember exactly what</p> <p>20 she said in any specific conversation. But I</p> <p>21 was aware.</p> <p>22 Q. In substance what did Michelle</p> <p>23 Gotthelf say to you about whether Ms.</p> <p>24 Livingston should be reassigned from the</p> <p>25 Queens courthouse?</p>

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<p style="text-align: right;">Page 222</p> <p>1 Greenfield</p> <p>2 Q. Did anyone ever tell you that Ms.</p> <p>3 Livingston complained about Mr. Haberman</p> <p>4 cursing at her before he was terminated?</p> <p>5 A. Nobody told me anything like that</p> <p>6 prior to her termination.</p> <p>7 Q. Who immediately --</p> <p>8 A. His termination. Her</p> <p>9 reassignment, his termination. Sorry I need</p> <p>10 to hear the question --</p> <p>11 Q. Before his termination?</p> <p>12 A. Before his termination. I am</p> <p>13 sorry, could you read back the question,</p> <p>14 please.</p> <p>15 (Record read.)</p> <p>16 A. Before he was terminated; no, I</p> <p>17 was, I only became aware of that during, you</p> <p>18 know, during the preparation of this trial. I</p> <p>19 was not aware that she had said anything to</p> <p>20 anybody about that.</p> <p>21 Q. Do you know --</p> <p>22 MR. LERNER: When you say this</p> <p>23 trial what do you mean?</p> <p>24 A. I mean this lawsuit. Not this</p> <p>25 trial, this lawsuit.</p>	<p style="text-align: right;">Page 223</p> <p>1 Greenfield</p> <p>2 Q. Do you know who replaced Ms.</p> <p>3 Livingston in the Queens courthouse?</p> <p>4 A. For a while we had some fill ins,</p> <p>5 I am not sure, I can't remember. I mean we</p> <p>6 were -- there was a period of time there where</p> <p>7 we had different people in there on a daily</p> <p>8 basis. Later Billy Gorta assumed the role and</p> <p>9 it is currently held by Christina Carrega.</p> <p>10 Q. When did Billy Gorta take over the</p> <p>11 position at the Queens courthouse?</p> <p>12 A. Again I am not sure of the exact</p> <p>13 dates or times, but it was at the, maybe</p> <p>14 the -- either the end of December of '08 or</p> <p>15 the beginning of January of '09. Sometime in</p> <p>16 that period.</p> <p>17 Q. Billy Gorta is Caucasian; correct?</p> <p>18 A. Yes.</p> <p>19 Q. Prior to replacing Ms. Livingston</p> <p>20 at the Queens courthouse what position did he</p> <p>21 have at the New York Post?</p> <p>22 A. I am sorry, read that -- I would</p> <p>23 like to hear that question again.</p> <p>24 (Record read.)</p> <p>25 A. I don't, I wouldn't characterize</p>
<p style="text-align: right;">Page 224</p> <p>1 Greenfield</p> <p>2 it as him replacing her because they were</p> <p>3 separate issues and, you know, that job was</p> <p>4 actually opened for a little while, other</p> <p>5 people filled it on a temporary basis. But if</p> <p>6 you are asking what Billy did prior to being</p> <p>7 assigned to the Queens courthouse, he had been</p> <p>8 an associate metro editor.</p> <p>9 Q. Who made the decision to assign</p> <p>10 Billy Gorta to the Queens courthouse after Ms.</p> <p>11 Livingston was taken out of that position?</p> <p>12 A. Again I don't conflate the two,</p> <p>13 the two occurrences. I mean Kim's situation</p> <p>14 and Billy's situation were separate. In terms</p> <p>15 of who made the decision to move Billy to that</p> <p>16 spot it was Michelle Gotthelf with -- she</p> <p>17 spoke with Jesse Angelo I believe, and I</p> <p>18 believe Col Allan.</p> <p>19 Q. Why do you believe Ms. Gotthelf</p> <p>20 spoke to Jesse Angelo and Col Allan about</p> <p>21 putting Billy Gorta in the Queens courthouse</p> <p>22 position that Ms. Livingston previously had</p> <p>23 occupied?</p> <p>24 A. Again I don't conflate the two --</p> <p>25 RG Q. Move to strike. I am not asking</p>	<p style="text-align: right;">Page 225</p> <p>1 Greenfield</p> <p>2 you whether you conflate the two. I am asking</p> <p>3 you only to answer the question. I am not</p> <p>4 asking you whether you conflate the two. Can</p> <p>5 we mark this for another ruling.</p> <p>6 Can you answer the question I just</p> <p>7 asked you?</p> <p>8 A. Yes with the proviso that they</p> <p>9 were separate incidents in terms of Billy, you</p> <p>10 know, making the decision about who, you know,</p> <p>11 about Billy being moved to the Queens</p> <p>12 courthouse. Michelle told me that she had</p> <p>13 spoken with Jesse and Col.</p> <p>14 Q. In substance what did Michelle</p> <p>15 Gotthelf tell you when she described speaking</p> <p>16 to Jesse Angelo and Col Allan about the</p> <p>17 decision to put Billy Gorta in the Queens</p> <p>18 courthouse position?</p> <p>19 A. I don't remember.</p> <p>20 Q. Well in substance what did she</p> <p>21 say?</p> <p>22 A. I mean they -- I really don't</p> <p>23 remember. They gave the okay. I don't</p> <p>24 remember. You are asking me to guess. I</p> <p>25 don't remember.</p>

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<p>1 Greenfield</p> <p>2 4:53, we are back on the record.</p> <p>3 Q. Mr. Greenfield, earlier you</p> <p>4 testified that there were some other</p> <p>5 individuals who filled in at the Queens</p> <p>6 courthouse after Ms. Livingston was reassigned</p> <p>7 from that position. Do you recall that</p> <p>8 testimony?</p> <p>9 A. Yes, I do.</p> <p>10 Q. Who actually filled in at the</p> <p>11 Queens courthouse between Ms. Livingston being</p> <p>12 reassigned from that position until Mr. Gorta</p> <p>13 was placed in that position?</p> <p>14 A. I don't remember.</p> <p>15 Q. Can you tell us a single person</p> <p>16 who actually covered that beat?</p> <p>17 MR. LERNER: Objection. Just</p> <p>18 answer that.</p> <p>19 Q. During that timeframe?</p> <p>20 A. I don't remember.</p> <p>21 Q. Were they permanent New York Post</p> <p>22 employees or free-lancers?</p> <p>23 MR. LERNER: Objection.</p> <p>24 A. I don't remember.</p> <p>25 Q. How long did those individuals</p>	<p>1 Greenfield</p> <p>2 cover the beat after Ms. Livingston was</p> <p>3 reassigned and Mr. Gorta was put in it?</p> <p>4 A. I don't remember.</p> <p>5 Q. Do you know if Billy Gorta's</p> <p>6 salary was reduced after he was demoted from</p> <p>7 editor to reporter?</p> <p>8 A. I don't have any firsthand</p> <p>9 knowledge of that.</p> <p>10 Q. Do you have any knowledge of</p> <p>11 whether his salary was reduced after he was</p> <p>12 demoted from editor to reporter and assigned</p> <p>13 to Queens courthouse?</p> <p>14 A. I don't recall us ever reducing</p> <p>15 anybody's salary. I don't have direct</p> <p>16 knowledge of that. I believe that it was not.</p> <p>17 Q. Did you have any discussion with</p> <p>18 anyone at the New York Post about whether</p> <p>19 Billy Gorta's salary should be reduced after</p> <p>20 he was demoted from editor to reporter?</p> <p>21 A. About whether it should be</p> <p>22 reduced?</p> <p>23 Q. Yes.</p> <p>24 A. No.</p> <p>25 Q. Did you ever have any</p>
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<p>1 Greenfield</p> <p>2 conversations with anybody at the New York</p> <p>3 Post about whether it was reduced after he was</p> <p>4 demoted from editor to reporter?</p> <p>5 A. You know I seem to recall Michelle</p> <p>6 mentioning it, but --</p> <p>7 Q. What do you recall Ms. Gotthelf</p> <p>8 mentioning to you about Mr. Gorta's salary</p> <p>9 being reduced or not after he was demoted?</p> <p>10 A. I don't recall.</p> <p>11 Q. Do you recall anything that Ms.</p> <p>12 Gotthelf said to you about that issue?</p> <p>13 A. I don't.</p> <p>14 Q. When Ms. Livingston was reassigned</p> <p>15 from the Queens courthouse was that a</p> <p>16 demotion?</p> <p>17 A. I am sorry, please ask the</p> <p>18 question again.</p> <p>19 (Record read.)</p> <p>20 A. No.</p> <p>21 Q. What position was she given after</p> <p>22 she was reassigned from the Queens courthouse?</p> <p>23 A. She was a reporter, she was a</p> <p>24 reporter.</p> <p>25 Q. She was always a reporter?</p>	<p>1 Greenfield</p> <p>2 A. Right.</p> <p>3 Q. But my question is what type of</p> <p>4 reporter did she become after she was</p> <p>5 reassigned from the Queens courthouse?</p> <p>6 A. What type; she was still a</p> <p>7 reporter, she became a general assignment</p> <p>8 reporter.</p> <p>9 Q. Does the general assignment</p> <p>10 position have less responsibilities as the</p> <p>11 Queens court position?</p> <p>12 A. No, just different</p> <p>13 responsibilities.</p> <p>14 Q. Describe the different</p> <p>15 responsibilities between the two positions?</p> <p>16 A. Okay. A general assignment</p> <p>17 reporter, I mean there are certain things that</p> <p>18 all reporters need to do. More specifically</p> <p>19 to a general assignment reporter it means you</p> <p>20 are working on a wider array of stories.</p> <p>21 Stories -- you are working on breaking news</p> <p>22 stories. You are doing enterprise on</p> <p>23 different topics. You are dispatched to</p> <p>24 scenes or to different locations. This is</p> <p>25 specifically if we are talking about a field</p>

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<p>1 Greenfield</p> <p>2 you call her in connection with her job?</p> <p>3 A. The process is the answer, and I</p> <p>4 was answering your question because it is not</p> <p>5 as simple as it sounds --</p> <p>6 Q. Yes or no, do you call Ms.</p> <p>7 Livingston in connection with her job, yes or</p> <p>8 no?</p> <p>9 MR. LERNER: No, it can't be</p> <p>10 answered yes or no?</p> <p>11 A. Actually can't.</p> <p>12 Q. Do you ever call Ms. Livingston in</p> <p>13 connection with her job, yes or no?</p> <p>14 MR. LERNER: No, I know the</p> <p>15 subject matter here, and I can tell you</p> <p>16 Ken that this can't be answer yes or no.</p> <p>17 Q. Answer it any way your can</p> <p>18 Mr. Greenfield?</p> <p>19 A. The switchboard operators, the</p> <p>20 desk people as I mentioned earlier, sometimes</p> <p>21 it is desk assistants, sometimes it is people</p> <p>22 who run that part, that department as I</p> <p>23 mentioned. Deadlines being what they are and</p> <p>24 as hectic as it can be in a news room we</p> <p>25 actually as editors a lot of the time, and me</p>	<p>1 Greenfield</p> <p>2 more so than others because of the nature of</p> <p>3 my job, don't actually dial the phone that</p> <p>4 often.</p> <p>5 So I will call out can you get me</p> <p>6 so and so, can you get me Kim, can you get me</p> <p>7 Kevin, can you get me Rebecca, that sort of</p> <p>8 thing. So that is usually on a rare occasion</p> <p>9 there is a speed dial list that you will hit a</p> <p>10 two digit number, but I don't usually use</p> <p>11 that.</p> <p>12 Q. Would you expect Ms. Livingston</p> <p>13 who has worked at The Post for fifteen years</p> <p>14 to have a telephone number at The Post?</p> <p>15 A. As I testified earlier I don't</p> <p>16 know who has got numbers and who doesn't.</p> <p>17 Q. I am not asking that. Can you</p> <p>18 answer my question please?</p> <p>19 A. Then please ask the question</p> <p>20 again.</p> <p>21 MR. THOMPSON: Read it back.</p> <p>22 (Record read.)</p> <p>23 MR. LERNER: Objection.</p> <p>24 A. I can't say because people use</p> <p>25 their phones for work, they get reimbursed, I</p>
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<p>1 Greenfield</p> <p>2 don't know. It is not a value judgment that I</p> <p>3 can make.</p> <p>4 Q. Do you know if Amber Sutherland</p> <p>5 has a telephone number at the New York Post?</p> <p>6 A. I don't.</p> <p>7 Q. How often have you seen Ms.</p> <p>8 Livingston in the news room after she was</p> <p>9 reassigned from the Queens courthouse?</p> <p>10 A. Maybe a handful of times. It is</p> <p>11 not typical to see field reporters in the</p> <p>12 newer.</p> <p>13 Q. When she worked in the Queens</p> <p>14 courthouse she had a telephone number in the</p> <p>15 courthouse; correct?</p> <p>16 A. I don't know.</p> <p>17 Q. Did you ever see Ms. Livingston in</p> <p>18 the news room and ask her what are you doing</p> <p>19 here?</p> <p>20 A. I believe I may have.</p> <p>21 Q. Describe the time that you saw her</p> <p>22 in the news room and asked what was she doing</p> <p>23 there?</p> <p>24 A. I read this in the complaint, it</p> <p>25 jarred my memory of you know that, that</p>	<p>1 Greenfield</p> <p>2 conversation. Kim at this point had been, you</p> <p>3 know, she was working as a field reporter.</p> <p>4 Field reporters are not routinely in the news</p> <p>5 room, and when you are supposed to be out on</p> <p>6 assignments and certainly in communication</p> <p>7 with your desk as far as your whereabouts.</p> <p>8 And I remembered that she came in the office</p> <p>9 and I was surprised to see her there because</p> <p>10 she had not let us know that she had changed</p> <p>11 locations, and I was, well, I was what are you</p> <p>12 doing here.</p> <p>13 Q. What location was she supposed to</p> <p>14 be at at that time?</p> <p>15 A. I can't tell you specifically.</p> <p>16 Field reporters --</p> <p>17 Q. I am asking you where was Ms.</p> <p>18 Livingston supposed to be on that day when you</p> <p>19 asked her what are you doing here?</p> <p>20 A. I don't recall.</p> <p>21 Q. What assignment was she supposed</p> <p>22 to be covering when you approached her in the</p> <p>23 news room and asked her what she was doing</p> <p>24 there?</p> <p>25 A. Two things there. A, I don't</p>

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<p>1 Greenfield</p> <p>2 Q. In an APA?</p> <p>3 A. You know I don't know because I</p> <p>4 know that there is a committee and there is a</p> <p>5 number of voices. So I don't know if that is</p> <p>6 the case.</p> <p>7 Q. I want to ask you, focus your</p> <p>8 attention on Austin Fenner. Did you have a</p> <p>9 role in his hiring at the New York Post?</p> <p>10 A. I did not.</p> <p>11 Q. Do you know who interviewed Austin</p> <p>12 Fenner for a position at the New York Post?</p> <p>13 A. I do know, I don't know if this is</p> <p>14 exclusive, I know Dan Callaruso did.</p> <p>15 Q. Who is Dan Callaruso?</p> <p>16 A. Dan Callaruso used to be the</p> <p>17 metropolitan editor of the New York Post.</p> <p>18 Q. Was he the metropolitan editor of</p> <p>19 the New York Post before Michelle Gotthelf?</p> <p>20 A. Yes, he was.</p> <p>21 Q. Do you know anyone else who</p> <p>22 participated in the decision to hire</p> <p>23 Mr. Fenner?</p> <p>24 A. I don't.</p> <p>25 Q. What position was Mr. Fenner hired</p>	<p>1 Greenfield</p> <p>2 to fill at the New York Post?</p> <p>3 A. He was a reporter.</p> <p>4 Q. What type of reporter was he hired</p> <p>5 to -- what role was he hired to play as a</p> <p>6 reporter at the New York Post when he was</p> <p>7 first hired?</p> <p>8 A. He was hired to -- he was very</p> <p>9 highly paid. He was brought in to break</p> <p>10 enterprise stories. Do investigations. He</p> <p>11 was brought in to -- a lot of sources, break</p> <p>12 exclusive. He was supposed to be able to do</p> <p>13 rewrite. He was hired to be -- to do all of</p> <p>14 those things. Very high level.</p> <p>15 Q. What was Mr. Fenner's last</p> <p>16 position at the newspaper?</p> <p>17 A. He was a reporter.</p> <p>18 Q. Was he an enterprise reporter or a</p> <p>19 runner?</p> <p>20 A. He was a -- in both cases he was a</p> <p>21 general -- a general assignment reporter.</p> <p>22 Q. Was he hired to be a field</p> <p>23 reporter?</p> <p>24 A. He was hired to be a reporter I</p> <p>25 believe, you know -- I don't know -- I think</p>
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<p>1 Greenfield</p> <p>2 there was -- that he was going to be doing</p> <p>3 some travel, that sort of thing. And doing</p> <p>4 some reporting from the field, yes.</p> <p>5 Q. Was he hired to work in the field</p> <p>6 as a reporter the way Kim Livingston is</p> <p>7 currently working in the field as a reporter?</p> <p>8 MR. LERNER: Objection.</p> <p>9 A. He was hired to be a, you know, a</p> <p>10 big time reporter, but he was initially based</p> <p>11 in the news room at 1211.</p> <p>12 Q. Did there come a time when there</p> <p>13 was a change in terms of how often Mr. Fenner</p> <p>14 was in the news room at The Post?</p> <p>15 A. Did there come a time when there</p> <p>16 was a change?</p> <p>17 Q. Yes.</p> <p>18 A. By the end of his tenure a couple</p> <p>19 of years later, by that time he had been</p> <p>20 reassigned to do more field work.</p> <p>21 Q. Who reassigned him to do more</p> <p>22 field work?</p> <p>23 A. Michelle Gotthelf.</p> <p>24 Q. Did you have any role in his</p> <p>25 reassignment to do more field work?</p>	<p>1 Greenfield</p> <p>2 A. Yes and no. By the time I became</p> <p>3 the deputy metro editor he had already been</p> <p>4 doing a lot of that. I mean it was kind of a</p> <p>5 progression. But I am sorry, your original</p> <p>6 question, I am sorry, what was the question.</p> <p>7 Q. You need the question read back</p> <p>8 again?</p> <p>9 A. Please.</p> <p>10 (Record read.)</p> <p>11 A. Yes, he had already been doing a</p> <p>12 lot of field work --</p> <p>13 Q. Move to strike. Can you just</p> <p>14 answer that question. I didn't ask you</p> <p>15 whether he had been doing field work. I asked</p> <p>16 you whether you had any role in his</p> <p>17 reassignment to do field work?</p> <p>18 A. Well I thought I was answering the</p> <p>19 question.</p> <p>20 RG Q. Okay. Please mark this one for a</p> <p>21 ruling from the court.</p> <p>22 Mr. Greenfield, do you not</p> <p>23 understand the questions that I am asking you?</p> <p>24 A. No, I think context is important.</p> <p>25 Q. Well it is not about context, you</p>

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<p>1 Greenfield</p> <p>2 have to answer the question I ask you if you</p> <p>3 understand the question. Do you understand</p> <p>4 the question --</p> <p>5 MR. LERNER: He was answering the</p> <p>6 question.</p> <p>7 Q. And if I ask you for context you</p> <p>8 can provide the context, do you understand</p> <p>9 that Mr. Greenfield?</p> <p>10 A. What was the question?</p> <p>11 Q. Let's move on.</p> <p>12 A. Okay.</p> <p>13 Q. Did you ever scream at Austin</p> <p>14 Fenner?</p> <p>15 MR. LERNER: Objection.</p> <p>16 A. I think scream would be an</p> <p>17 overstatement.</p> <p>18 Q. Did you ever yell at him?</p> <p>19 A. I raised my voice.</p> <p>20 Q. How many times did you raise your</p> <p>21 voice with Austin Fenner?</p> <p>22 A. I can think of one occasion.</p> <p>23 Q. Did you ever curse at Austin</p> <p>24 Fenner?</p> <p>25 A. No. But I used profanity during</p>	<p>1 Greenfield</p> <p>2 the conversation. But I didn't curse at him.</p> <p>3 Q. So you used profanity while</p> <p>4 speaking to Austin Fenner?</p> <p>5 A. Yes, during that conversation I</p> <p>6 used profanity.</p> <p>7 Q. During this conversation were you</p> <p>8 also raising your voice at Mr. Fenner?</p> <p>9 A. I believe I was.</p> <p>10 Q. Describe -- strike that.</p> <p>11 Where was Mr. Fenner when you</p> <p>12 raised your voice and uttered profanity when</p> <p>13 speaking to him?</p> <p>14 A. When I raised my voice, actually</p> <p>15 when I called him I didn't know where he was</p> <p>16 specifically.</p> <p>17 Q. Did you learn where he was?</p> <p>18 A. I knew that he was in the City of</p> <p>19 Milwaukee.</p> <p>20 Q. Was he on business --</p> <p>21 A. Or environs.</p> <p>22 RG Q. Was he on business for the New</p> <p>23 York Post in Milwaukee when you raised your</p> <p>24 voice and uttered profanities while speaking</p> <p>25 to him?</p>
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<p>1 Greenfield</p> <p>2 MR. LERNER: Objection.</p> <p>3 A. Can I hear the question again</p> <p>4 please.</p> <p>5 MR. THOMPSON: I want this marked</p> <p>6 for another ruling, then you can read it</p> <p>7 back.</p> <p>8 (Record read.)</p> <p>9 A. Yes, he was working for the paper</p> <p>10 when we spoke.</p> <p>11 Q. In fact, Mr. Greenfield, Austin</p> <p>12 Fenner was in Milwaukee covering a story on</p> <p>13 Archbishop Timothy Dolan; correct?</p> <p>14 A. Yes, we had sent him to Milwaukee.</p> <p>15 Yes.</p> <p>16 Q. The story he was asked to cover</p> <p>17 was the fact that Archbishop Dolan was just</p> <p>18 named to become the Archbishop of New York;</p> <p>19 correct?</p> <p>20 A. He was assigned to a number of</p> <p>21 things related to that, yes.</p> <p>22 Q. When you spoke to Mr. Fenner that</p> <p>23 day I want you to describe the conversation</p> <p>24 you had with Austin Fenner when you raised</p> <p>25 your voice and uttered profanities during that</p>	<p>1 Greenfield</p> <p>2 conversation?</p> <p>3 A. I don't remember my exact quotes,</p> <p>4 but it was -- I had been trying to reach him</p> <p>5 for a lengthy period of time, and when I</p> <p>6 finally did I think it was where the fuck are</p> <p>7 you, something to that effect.</p> <p>8 Q. Did you utter any other</p> <p>9 profanities during that conversation?</p> <p>10 A. I may have, I don't remember</p> <p>11 specifically.</p> <p>12 Q. Isn't it true, Mr. Greenfield,</p> <p>13 that you said to Mr. Fenner what the fuck is</p> <p>14 wrong with you?</p> <p>15 A. No. That is not true.</p> <p>16 Q. Isn't it also true that you said</p> <p>17 what is wrong with your ass?</p> <p>18 A. No. You said also true and no,</p> <p>19 neither are true.</p> <p>20 Q. Didn't you also say to Mr. Fenner</p> <p>21 you better get your ass over there?</p> <p>22 A. No. I don't believe that to be</p> <p>23 true.</p> <p>24 Q. How many profanities did you utter</p> <p>25 when you were talking to him with your raised</p>

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<p>1 Greenfield</p> <p>2 voice during that call?</p> <p>3 A. I could not say.</p> <p>4 Q. Did Mr. Fenner utter profanity</p> <p>5 toward you during that call?</p> <p>6 A. I don't recall if he did or</p> <p>7 didn't.</p> <p>8 Q. What else did you say to Mr.</p> <p>9 Fenner during that call?</p> <p>10 A. All right, well, I asked him why</p> <p>11 it was that he had not been in contact with</p> <p>12 the desk. I asked him why -- whether he was</p> <p>13 going to an event where Archbishop Dolan was</p> <p>14 going to be. I asked him where he was. I</p> <p>15 asked him whether he had planned on going to</p> <p>16 this event. I asked him whether or not he had</p> <p>17 been in touch with the photo desk. I asked</p> <p>18 him a number of questions about where he was,</p> <p>19 why he was where he was. You know, it was all</p> <p>20 related to a couple of different issues.</p> <p>21 And I raised with him the fact</p> <p>22 that he couldn't be reached, and I pointed</p> <p>23 that out to him that he couldn't be reached</p> <p>24 for about 40 minutes which is unacceptable for</p> <p>25 a reporter on the road. I raised the issue</p>	<p>1 Greenfield</p> <p>2 that he was at a -- you know, I wanted to know</p> <p>3 if he even knew about a press conference or an</p> <p>4 event. That I had to learn from the photo</p> <p>5 desk as opposed to him in the field.</p> <p>6 I had to ask him why he had not</p> <p>7 contacted me this morning. Why he didn't let</p> <p>8 me know what he was up to. I wanted to</p> <p>9 confirm whether he knew there was this event,</p> <p>10 I had to direct him to go to the event. There</p> <p>11 may have been other elements that I discussed,</p> <p>12 but I remember those topics.</p> <p>13 Q. What did Mr. Fenner say to you</p> <p>14 during that call?</p> <p>15 A. Well I don't remember specifically</p> <p>16 what he said, but he said that he had not</p> <p>17 planned on going to the event. He didn't -- I</p> <p>18 remember that. I remember him pointing out</p> <p>19 that he was going to be talking with Dolan at</p> <p>20 some point during the day. But I had to</p> <p>21 explain to him why it was important to go to</p> <p>22 this event where Dolan was, and we discussed</p> <p>23 that as well.</p> <p>24 Q. Isn't it true that Mr. Fenner had</p> <p>25 told you that he had planned on attending that</p>
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<p>1 Greenfield</p> <p>2 event?</p> <p>3 A. No.</p> <p>4 Q. Isn't it true that you yelled and</p> <p>5 cursed at him and didn't even let him get a</p> <p>6 word in?</p> <p>7 A. Again I did not curse at him.</p> <p>8 Q. You uttered profanity during that</p> <p>9 call?</p> <p>10 A. Yes.</p> <p>11 Q. You uttered the word fuck when you</p> <p>12 spoke to him; correct?</p> <p>13 A. Yes, I believe I did.</p> <p>14 Q. Do you normally utter the word</p> <p>15 fuck when you speak to people Mr. Greenfield?</p> <p>16 MR. LERNER: Objection.</p> <p>17 A. Do I often?</p> <p>18 Q. Yes.</p> <p>19 A. Yes. I have to say it is not</p> <p>20 uncommon. It is the way that people speak in</p> <p>21 the news room. You hear it a lot.</p> <p>22 Q. It is the way people speak in the</p> <p>23 news room at the New York Post?</p> <p>24 A. Well every news room that I worked</p> <p>25 in. But yes, I mean it is not uncommon to</p>	<p>1 Greenfield</p> <p>2 hear profanity in the workplace.</p> <p>3 Q. Have you ever heard Austin Fenner</p> <p>4 utter profanity?</p> <p>5 A. You know --</p> <p>6 Q. Have you ever heard him utter</p> <p>7 profanity, please answer that question?</p> <p>8 A. Please let me finish. I don't</p> <p>9 know.</p> <p>10 Q. Have you ever heard Kim Livingston</p> <p>11 utter profanity?</p> <p>12 A. I don't know.</p> <p>13 Q. And the only person who uttered</p> <p>14 profanity during that phone call with you and</p> <p>15 Austin Fenner was you; is that correct?</p> <p>16 A. I didn't say that.</p> <p>17 Q. I am asking. Did Austin Fenner</p> <p>18 utter profanity during that phone call?</p> <p>19 MR. LERNER: Objection. Asked and</p> <p>20 answered.</p> <p>21 A. I don't remember exactly whether</p> <p>22 he did or didn't.</p> <p>23 Q. As you sit here now do you recall</p> <p>24 Austin Fenner uttering profanity during that</p> <p>25 phone call on that day?</p>

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<p>1 Greenfield</p> <p>2 been marked as Deposition Exhibit 13, it is</p> <p>3 Bates numbered 775. Please take a moment and</p> <p>4 look at it and tell us if you recognize it.</p> <p>5 (Greenfield Exhibit 13, Bates</p> <p>6 numbered 775, marked for</p> <p>7 identification, as of this date.)</p> <p>8 Q. In fact for the record it is Bates</p> <p>9 stamped NYP-FL 775. Mr. Greenfield, this was</p> <p>10 another article that Austin Fenner wrote on</p> <p>11 Archbishop Dolan while he was out in</p> <p>12 Milwaukee; is that correct?</p> <p>13 A. No. He didn't write this story.</p> <p>14 Q. Well he contributed to this story</p> <p>15 while he was out in Milwaukee?</p> <p>16 A. Yes, he did contribute notes from</p> <p>17 Milwaukee, yes.</p> <p>18 Q. In fact he was given a bi-line on</p> <p>19 this story?</p> <p>20 A. Yes.</p> <p>21 Q. Would you also consider this to be</p> <p>22 an important story that ran in the New York</p> <p>23 Post?</p> <p>24 A. You know, it was a -- not as good</p> <p>25 as the first day.</p>	<p>1 Greenfield</p> <p>2 Q. I am not asking you whether it was</p> <p>3 as good as the first day. Can you answer the</p> <p>4 question?</p> <p>5 A. It is a good story.</p> <p>6 Q. In fact it appears with a picture</p> <p>7 of Archbishop Dolan holding up covers of the</p> <p>8 New York Post that say God Send; right?</p> <p>9 A. Yes, it does.</p> <p>10 Q. And in fact that cover story, God</p> <p>11 Send, was actually the story that Austin</p> <p>12 Fenner got exclusive for the New York Post;</p> <p>13 right?</p> <p>14 A. Yes, that is the story from the</p> <p>15 day before, yes.</p> <p>16 Q. So Austin Fenner was not only able</p> <p>17 to get an exclusive story for the New York</p> <p>18 Post regarding Archbishop Dolan, the story</p> <p>19 actually appeared on the front page of the</p> <p>20 newspaper; is that correct?</p> <p>21 A. Yes, it did.</p> <p>22 Q. Because it was that big of a</p> <p>23 story?</p> <p>24 A. It was a good story.</p> <p>25 Q. It was not just a good story, it</p>
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<p>1 Greenfield</p> <p>2 was a big story, wasn't it?</p> <p>3 A. I saw it as the same, yes, I am</p> <p>4 glad we had it.</p> <p>5 Q. So did you raise your voice and</p> <p>6 utter profanity to Austin Fenner before or</p> <p>7 after this second story on Timothy Dolan was</p> <p>8 published as reflected in Deposition Exhibit</p> <p>9 13?</p> <p>10 A. It was before this was published.</p> <p>11 Q. So despite the fact that you</p> <p>12 raised your voice and uttered profanities, Mr.</p> <p>13 Fenner still did his job in Milwaukee; right?</p> <p>14 A. No.</p> <p>15 Q. Did Mr. Fenner after you raised</p> <p>16 your voice and uttered profanities at him do</p> <p>17 any work for the New York Post in Milwaukee?</p> <p>18 A. Again uttered profanities at, I</p> <p>19 did use profanity in the conversation, but he</p> <p>20 did continue to work in Milwaukee for another</p> <p>21 couple of days, yes.</p> <p>22 Q. He not only continued to work in</p> <p>23 Milwaukee, he was working for the New York</p> <p>24 Post; correct?</p> <p>25 A. Yes.</p>	<p>1 Greenfield</p> <p>2 Q. Did you have any other</p> <p>3 conversations with Mr. Fenner while he was out</p> <p>4 in Milwaukee on assignment in connection with</p> <p>5 the Dolan, Archbishop Dolan stories?</p> <p>6 A. I don't remember.</p> <p>7 Q. Didn't Austin Fenner tell you when</p> <p>8 you were yelling and cursing at him not to do</p> <p>9 so?</p> <p>10 A. I did not curse at Austin. I used</p> <p>11 profanity in the conversation. Yelling, I</p> <p>12 certainly raised my voice. But I don't</p> <p>13 remember him saying not to do that. I don't</p> <p>14 remember anything like that.</p> <p>15 Q. When you said where the fuck are</p> <p>16 you, you were talking about Mr. Fenner;</p> <p>17 correct?</p> <p>18 MR. LERNER: Objection to the</p> <p>19 form.</p> <p>20 A. Where the hell are you --</p> <p>21 Q. Are you changing your testimony</p> <p>22 now?</p> <p>23 A. No, I am not. I am not changing</p> <p>24 my testimony. So yes, that was during the</p> <p>25 conversation with Austin, yes.</p>

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<p>1 Greenfield</p> <p>2 about the monkey cartoon?</p> <p>3 A. I don't know -- no. I don't know</p> <p>4 that, no.</p> <p>5 Q. Do you know who Sandra Guzman is?</p> <p>6 A. Yes, I remember Sandra.</p> <p>7 Q. Do you know if Sandra Guzman ever</p> <p>8 complained about that monkey cartoon during</p> <p>9 her employment at the paper?</p> <p>10 A. I don't know that she did.</p> <p>11 Q. Isn't it a fact that Austin Fenner</p> <p>12 complained about that monkey cartoon?</p> <p>13 A. I -- can you specify please?</p> <p>14 Q. What do you mean specify; do you</p> <p>15 understand my question?</p> <p>16 A. Complain to who?</p> <p>17 Q. To anyone?</p> <p>18 A. You know I didn't know that he had</p> <p>19 until this complaint was filed.</p> <p>20 Q. Isn't it true that you knew Austin</p> <p>21 Fenner complained to an on line publication</p> <p>22 that wrote a news article about that monkey</p> <p>23 cartoon?</p> <p>24 A. Not until this complaint was</p> <p>25 filed, no, I did not know that.</p>	<p>1 Greenfield</p> <p>2 Q. Do you know who Richard Prince is?</p> <p>3 A. Not prior to this complaint, no.</p> <p>4 Q. Have you ever heard of the on line</p> <p>5 web-site called Journalisms?</p> <p>6 A. Not until this complaint, no.</p> <p>7 Q. Have you ever heard of an article</p> <p>8 before this lawsuit was filed entitled Three</p> <p>9 Things That Need Fixing at the New York Post?</p> <p>10 A. Not prior to this complaint being</p> <p>11 filed, no.</p> <p>12 Q. Did there come a time Mr.</p> <p>13 Greenfield when you told Austin Fenner that he</p> <p>14 needed your permission to come to the news</p> <p>15 room?</p> <p>16 A. No.</p> <p>17 Q. Did you ever have any</p> <p>18 conversations with Austin Fenner about when he</p> <p>19 could come to the news room?</p> <p>20 A. At some point during his tenure</p> <p>21 Austin was reassigned, he was not going to be</p> <p>22 rewrite any more, so we wanted to use him more</p> <p>23 in the field and I remember having</p> <p>24 conversations with him about the mechanics of</p> <p>25 that.</p>
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<p>1 Greenfield</p> <p>2 Q. Well tell us in substance what did</p> <p>3 you say to him about the mechanics of him no</p> <p>4 longer coming into the news room as often as</p> <p>5 he had?</p> <p>6 A. I don't remember the exact words,</p> <p>7 but in substance I was explaining, you know,</p> <p>8 call in in the morning, see if there is an</p> <p>9 assignments for you. You know, as always the</p> <p>10 thing with Austin, he was one of our top paid</p> <p>11 guys. I need you to bring me stories. I need</p> <p>12 story ideas. I need enterprise. I need you</p> <p>13 to break stories. Get into the city and see</p> <p>14 what we can do here. Because rewrite and some</p> <p>15 of the other issues were not working out.</p> <p>16 So I told him, I said listen, this</p> <p>17 is basically how it works. Check in in the</p> <p>18 morning, if we have got something, we will get</p> <p>19 you moving on something. And if not then</p> <p>20 work -- work enterprise, find me stories.</p> <p>21 Q. Did you say anything to him about</p> <p>22 whether he should come into the news room in</p> <p>23 the mornings to check with you?</p> <p>24 A. I don't recall -- I am sorry, I</p> <p>25 don't want to guess. Can I hear the question</p>	<p>1 Greenfield</p> <p>2 again please.</p> <p>3 (Record read.)</p> <p>4 A. You know I think I just simply</p> <p>5 explained the same way that we handled, you</p> <p>6 know, all reporters who are working in the</p> <p>7 field as a matter of course, check in. Field</p> <p>8 reporters are people who are working primarily</p> <p>9 in the field, they don't routinely come into</p> <p>10 the office, they are assigned to be in the</p> <p>11 field.</p> <p>12 Q. Did you say anything to Mr. Fenner</p> <p>13 about whether he should come into the news</p> <p>14 room after that day?</p> <p>15 A. I don't remember exactly what I</p> <p>16 said, but I did make the point about checking</p> <p>17 for your assignments, hit the streets, you</p> <p>18 know, go find us some good stories. Get</p> <p>19 sources, meet up with sources, that sort of</p> <p>20 thing. Come up with enterprise pieces. But I</p> <p>21 mean at that point I mean that is -- field</p> <p>22 reporters don't come into the office. I think</p> <p>23 I probably explained this is, you know, this</p> <p>24 is the mechanics of the job.</p> <p>25 Q. Did you say anything to Mr. Fenner</p>